REMARKS

Claims 1-2 and 4-17 are pending in the present application. Claim 3 has been cancelled and claim 17 has been added. The Office Action and cited references have been considered. Favorable reconsideration is respectfully requested.

Claims 2 and 5 were objected due to a number of informalities. These have been corrected. Withdrawal of the objection is respectfully requested.

Claims 2 and 4-13 are rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the enablement requirement. This rejection is respectfully traversed.

The Office Action quotes the specification page 9, lines 26-27. However, lines 27-29 of the same page states that "one may recall that the chirp can measured at a monitoring point as a second time derivative of phase of optical signal transmitted via a particular optical channel." This language has now been incorporated in claim 1 and would be clearly understood by one ordinary skill in the art as teaching a method of measuring chirp. Accordingly, Applicants respectfully submit that a person of ordinary skill in the art, based on reading the claims and the disclosure as originally filed, would be enabled to make and use the invention. Withdrawal of this rejection is respectfully requested.

Claims 1, 3, 14 and 16 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for allegedly failing to particularly point out and distinctly claim the subject matter which the subject matter which applicant regards as the invention. Claim 1 has been amended to recite methods steps. Claim 3 has been cancelled. Claim 14 has been amended to more clearly recite particular steps.

Claim 16 has been amended to recite further components of the system. Applicant respectfully submits that the claim circumscribes a particular area with a reasonable degree of precision and particularity, such way that one ordinary skilled work will understand how to make and use the invention. *See, e.g., In re Moelands*, 3 U.S.P.2d 1474 (BPAI 1987). Withdrawal of this rejection is respectfully requested.

Claims 1, 3, and 16 are rejected under 35 U.S.C. §102(b) as being anticipated by Kawasaki et al. (EP 0944 191 A1, hereinafter "Kawasaki"). Claims 1, 4, 9, 13 and 16 are rejected under 35 U.S. C. §102(e) as being anticipated by Inui et al. (U.S. Patent No. 6,958,467 B2, hereinafter "Inui"). . Claim 14 is rejected under 35 U.S.C. §103(a) as being unpatentable over Kawasaki. Claims 14-15 are rejected under 35 U.S.C. §103(a) as being unpatentable over Inui. These rejections are respectfully traversed for the following reasons.

Claim 1 recites a method of traffic management in an optical network, comprising a step of measuring chirp of one or more optical signals passing along one or more optical channels in an optical path extending in the network, and a step of making a decision about performing traffic management operations, based on a result of the measurement. The step of measuring chirp comprises measuring a second derivative of phase of at least one of the optical signals in at least one of the optical channels with respect to time. This is not taught, disclosed, or made obvious by the prior art of record.

Neither Kawasaki nor Inui describe or claim a method comprising measuring chirp of an optical signal passing via an optical path and, based on a result of the measurement, making a decision about performing traffic management operations.

Indeed, the chirp measured in the amended claim 1 is now clearly understood as the chirp characterizing the optical path in the network where optical signals pass, while the Kawasaki reference relates to the chirp characterizing a laser transmitter (Kawasaki's Fig. 17 [0108]).

Kawasaki utilizes measurements of the chirp for physically controlling the laser transmitter (Kawasaki's [0108]), *i.e.,* for adjusting physical features of the transmitter and the transmission line to reduce the bit error rate, while the present invention utilizes measurement of the chirp for traffic management, *i.e.*, for performing traffic management operations having nothing in common with effecting any physical parameters of lasers.

Inui (col. 12, lines 30-37; Fig. 15) proposes measuring chirp of an optical signal upon passing via an optical line. The chirp measurement result is used for controlling a tunable dispersion equalizer 40, *i.e.*, also for adjusting physical properties of the optical line/network. Similarly, Inui's Fig. 1 illustrates a method of adjusting/calibrating transmitters using chirp measurement.

Any of the cited references, upon measuring one or another type of chirp, deals with adjusting physical parameter(s) at a specific point of the optical line, and none of them gives a generalized, "network" solution for overcoming any non-desired effects desired effects detected by measuring the chirp. In other words, neither of the cited references proposes undertaking any organizational measures with traffic (optical signals) passing via optical network, *i.e.*, none of them describe or suggest any traffic management operations as a result of measuring chirp in an optical path of an optical network.

Claims 2 and 4-17 depend from an included recitation of claim 1. Applicant respectfully submits these claims are patentable of and of themselves, and at least for the reasons discussed above with respect to claim 1.

In view of the above amendments and remarks, Applicants respectfully request reconsideration and withdrawal of the outstanding rejections of record. Applicants submit that the application is now in condition for allowance and early notice to this effect is most earnestly solicited.

If the Examiner has any questions, he is invited to contact the undersigned at 202-628-5197.

Respectfully submitted,

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